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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues prior to submission of the sixth periodic report of Spain*

A. Issues of particular relevance

1. Please explain to what extent the austerity measures taken by the State party in the context of the economic and financial crisis have taken into account the requirements specified in the letter dated 16 May 2012 from the Chair of the Committee on Economic, Social and Cultural Rights addressed to States parties, including the need to mitigate the effects of the austerity measures on the enjoyment of economic, social and cultural rights by all, in particular disadvantaged and marginalized individuals and groups, such as the poor, persons with disabilities, ethnic minorities, migrants, asylum seekers and refugees.

2. Please provide information on how the labour market reforms introduced in 2012, the Spanish employment strategy and the annual employment policy plans have contributed to reducing unemployment, particularly among young persons and the long-term unemployed. Please also indicate how social partners have been involved in the development and implementation of those initiatives.

3. Please provide information on the impact of the economic and financial crisis on the exercise of trade union rights, as well as information on the proportion of unionized workers in the State party and how the State party ensures the protection of union rights, particularly the right to strike. Please also provide information on collective bargaining mechanisms in the State party and their impact on labour rights.

4. Please provide information on measures adopted to ensure that the enjoyment of social security rights is being reinforced in the post-crisis economic recovery. Please also provide information on social assistance benefits, in particular on whether the minimum amount of social assistance provides for an adequate standard of living for all beneficiaries and their families.

5. Please provide data on the levels of poverty in the State party, disaggregated by region. Please also provide information on the impact of measures adopted to combat poverty, particularly through the implementation of the national action plan on social inclusion for 2013-2016.

* Adopted by the Committee at its fifty-seventh session (22 February-4 March 2016).

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6. Please provide information on measures adopted to prevent evictions from being carried out for non-payment of mortgage loans. Please also provide information on steps taken to adopt a legal framework that defines the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction, including in the context of austerity measures.

B. Ongoing implementation of the Covenant

7. In the light of the Constitutional Court's interpretation of the direct applicability of the Covenant, please explain how the State party ensures access to effective remedies in cases of violations of economic, social and cultural rights. Please provide specific examples of cases, for the period 2012-2016, in which provisions of the Covenant have been invoked before or applied by domestic courts.

8. Please provide information on the impact of the recently adopted reforms to the legal aid system on access to justice, in particular for the most disadvantaged and marginalized individuals and groups.

9. Please provide information, for the past five years (2012-2016), on the consolidated budget regarding social sectors, particularly with regard to employment, social security, housing, health and education, indicating the percentage of each budget line in terms of the total national budget and gross domestic product, and geographic allocation. Please also provide information on how tax and fiscal policies, including recent reforms, have helped to increase the availability of resources for implementing economic, social and cultural rights.

10. Please provide statistical data on the enjoyment of economic, social and cultural rights, disaggregated by sex, age, ethnic or national origin, geographic location or other relevant status, on an annual comparative basis over the past five years.

11. Please provide information on steps taken to adopt comprehensive legislation on non-discrimination. Please also provide information on how the implementation of the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance; the National Strategy for the Social Inclusion of Roma in Spain, 2012-2020 and the Strategic Plan on Citizenship and Integration, 2011-2014 have helped to prevent and address discrimination in the enjoyment of economic, social and cultural rights.

12. Please provide an assessment of how the implementation of Organic Act No. 3/2007 on effective equality between women and men has contributed to overcoming attitudes and stereotypes concerning the roles and responsibilities of women and men in the family and in society.

13. Please provide information on the impact of measures taken, including in the framework of the Strategic Plan for Equality of Opportunity 2014-2016, to reduce the inequalities between men and women in the labour market, particularly to overcome the significant occupational sex segregation and the reportedly increasing gender pay gap, as well as to increase women's participation in full-time work. Please also provide information on the impact of measures adopted to increase women's participation in decision-making positions in the public and private sectors.

14. Please provide information on how vocational and professional training programmes available in the State party have met the demands of the labour market.

15. Please provide information on the impact of measures adopted to promote the participation of persons with disabilities in the labour market. Please also provide information on measures adopted to provide reasonable accommodation.

16. Please provide information on the mechanism in place to review and regularly adjust the minimum wage in line with the cost of living, and to ensure that the minimum wage enables workers and their families to enjoy a decent standard of living.

17. Please provide information on measures adopted by the State party to prevent accidents and work-related diseases and to ensure that occupational health services, including compensation, are available for all workers.

18. Please provide information on how the State party ensures that all individuals, in particular disadvantaged and marginalized individuals and groups, have access to adequate and affordable food. Please also provide information on measures adopted to reduce the reliance on emergency food aid from food banks.

19. Please provide information on how the measures adopted to change the State party's housing model have helped to alleviate debt and provide affordable housing, especially for the most disadvantaged and marginalized individuals and groups. Please provide statistical information on the supply of social rental housing in the State party.

20. Please explain to what extent the measures adopted by the State party have contributed to reducing homelessness, and provide information on the capacity of reception facilities, including emergency shelters, hostels and social rehabilitation centres, that are available in the State party.

21. Please provide information on measures adopted by the State party to ensure that the costs of health-care services, essential medicines, including medicines for chronic diseases, and health insurance are affordable for everyone. Please provide an assessment of the implementation of Royal Legislative Decree No. 16/2012 of 20 April 2012, particularly regarding undocumented migrants.

22. Please provide information on the measures taken to ensure that sexual and reproductive health services and information are equally available and accessible to all persons throughout the country.

23. Please provide information on measures taken to address socioeconomic factors that may influence decisions to leave education prematurely, particularly regarding children of the most disadvantaged and marginalized groups.

24. Please provide information on the impact of the measures adopted by the State party to avoid segregation of Roma and migrant students within and between schools. In this regard, please also provide an assessment of the implementation of the new Act on the improvement of education quality, adopted on 9 December 2013.

25. Please provide information on the steps taken by the State party to ensure the development and dissemination of science and culture in the State party. Please also indicate measures taken to ensure affordable access to the benefits of scientific progress and its applications, including access to the Internet, for everyone, in particular disadvantaged and marginalized individuals and groups.

C. Good practices

26. Please provide information on good practices in policy formulation and implementation, developed by the State party during the reporting period, that have effectively contributed to the realization of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations (E/C.12/ESP/CO/5) have been taken into account in developing such practices.